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 CTIA – The Wireless Association®

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

CTIA - THE WIRELESS ASSOCIATION®,

Plaintiff,

v.

THE CITY AND COUNTY OF SAN
 FRANCISCO, CALIFORNIA,

Defendant.

Case No. 3:10-cv-03224 WHA

**STIPULATION REGARDING ENTRY
 OF FINAL JUDGMENT**

Date:

Time:

Courtroom: Courtroom 9, 19th Floor

Pursuant to Fed. R. Civ. P. 54; N.D. Cal. Civ. R. 7-12, the Parties submit this Stipulation Regarding Entry of Final Judgment.

RECITALS

1. On October 4, 2011, Plaintiff CTIA-The Wireless Association filed a Second Amended Complaint for Declaratory and Injunctive Relief against Defendant the City and County of San Francisco ("City"), challenging the City's Cell Phone "Right-to-Know" Ordinance, File No. 100104, Ordinance No. 155-10, as amended by Ordinance No. 165-11 (collectively, the "Ordinance"), and Regulations and Display Materials promulgated by the Department of Environment, San Francisco Department of the Environment, *see* SFE 10-02-CPO, SFE 10-03-CPO, and SFE 11-07-CPO and attachments.

2. On October 4, 2011, Plaintiff filed a motion seeking a preliminary injunction against the Ordinance, Regulations and Display Materials.

3. On October 27, 2011, after briefing and a hearing, this Court granted a partial preliminary injunction.

4. The parties cross-appealed (Nos. 11-17707, 11-17773) and the Ninth Circuit decided the appeals in favor of CTIA on September 10, 2012, holding that the Ordinance, Regulations and Display Materials should be preliminarily enjoined in their entirety under the First Amendment.

6. The United States Court of Appeals denied the City's Petition for Rehearing En Banc on February 27, 2013.

7. The Ninth Circuit's mandate issued on March 11, 2013, with an award of costs to CTIA.

8. CTIA filed petitions for award of attorneys' fees before this Court and before the Ninth Circuit as the prevailing party on its constitutional claim under 42 U.S.C. § 1988. As part of a comprehensive settlement of litigation between the Parties, CTIA has agreed to withdraw all requests for attorneys' fees connected with this matter.

STIPULATION

The parties hereby stipulate that no further litigation is necessary or appropriate and

1 jointly move this Court to enter, in the form attached, Final Judgment, including a Declaratory
2 Ruling and Permanent Injunction, to fully resolve this case.

3 Dated this 20th day of May, 2013

4 Dated: May 20, 2013

5 JONES DAY

6 By: /s/ Craig E. Stewart

7 Craig E. Stewart

8 Attorneys for Plaintiff

CTIA – The Wireless Association®

9 Dated: May 20, 2013

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17 By: _____

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20 SFI-825849v1